



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/172937

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**PRELIMINARY RECITALS**

Pursuant to a petition filed March 18, 2016, under Wis. Stat., §49.45(5)(a), to review a decision by Brown County Human Services to deny Medical Assistance (MA), a hearing was held on April 27, 2016, at Green Bay, Wisconsin, with the judge appearing by telephone.

The issue for determination is whether petitioner's income is over the BadgerCare Plus (BC+) limit.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

I

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Brown County Human Services  
111 N. Jefferson St.  
Green Bay, WI 54301

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County.
2. Petitioner applied for BC+ MA on February 15, 2016 as a single adult with no minor children in his care. The county received verification that petitioner is employed by [REDACTED] full-time at \$9.00 per hour. The county calculated the estimated income to be \$1,440 monthly.
3. By a notice dated February 29, 2016 the county informed petitioner that BC+ was denied because his income was over the limit.

## DISCUSSION

Prior to April 1, 2014, the state had an MA program for childless adults called the BC+ Core program with an income limit of 200% of the Federal Poverty Level (FPL). The program was limited to only a small number of potentially eligible participants due to enrollment limits. State law changed effective April 1, 2014. As of that date all childless adults are eligible for BC+ but with the income limit reduced to 100% of the FPL, which, for a one-person household, is \$972.50. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the MA Handbook, Appendix 50.1 for the limit. Petitioner's monthly income is approximately \$1,440.

Petitioner testified that he has a number of regular monthly expenses and that he cannot afford to buy insurance. The problem is that the state uses gross, taxable income as the test, not net income, so I cannot consider petitioner's expenses in determining eligibility. See MA Eligibility Handbook, §16.1.3.

I reviewed state law and policy. There are no exceptions to the income limit, and the Division of Hearings and Appeals has no authority to grant eligibility when income is above the limit. I must conclude, therefore, that the denial of BC+ was correct.

## CONCLUSIONS OF LAW

The county correctly denied BC+ because petitioner's monthly income was above the program's limit.

**THEREFORE, it is**

## ORDERED

That the petition for review is hereby dismissed.

## **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 29th day of April, 2016

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on April 29, 2016.

Brown County Human Services  
Division of Health Care Access and Accountability